UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.618
23 May 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 618th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 16 May 2000 at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-42246 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Islamic Republic of Iran (continued) (CRC/C/41/Add.5; HRI/CORE/1/Add.106; CRC/C/Q/IRA/1; written replies of the Government of the Islamic Republic of Iran to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of the Islamic Republic of Iran resumed places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to put further questions to the delegation regarding general measures of implementation, the definition of the child, general principles and civil rights and freedoms.

3. Mr. FULCI noted that, with regard to discrimination, the State party report dealt only with gender discrimination. He requested information on discrimination against children born out of wedlock, those belonging to religious or ethnic minorities, refugee children and children who were not Iranian nationals. Information on the disparities between the situations of children living in rural and urban areas and disaggregated data on all the groups mentioned would also be appreciated. The formal guarantees of non-discrimination in the Constitution were not backed up by national legislation and customs. In the light of article 2 of the Convention, he asked the delegation to comment on the enjoyment of rights by children born out of wedlock, especially in terms of inheritance, maintenance, custody and parental responsibilities, and on the implementation of the 1997 law on children born out of wedlock. He would also like to know whether it was compulsory in the Islamic Republic of Iran for the name of a child's father to be indicated on the child's passport or identity documents, as such a requirement often led to discrimination against children whose fathers were unknown. He asked whether any measures had been taken to guarantee the rights of children belonging to ethnic and religious minorities, including non-recognized religious communities.

4. He asked whether the Government of the Islamic Republic of Iran had considered establishing an independent entity accountable to parliament, such as an ombudsman, to monitor the observance of children's rights as the Committee frequently recommended.

5. Ms. EL GUINDI, noting that paragraph 37 of the report did not mention the nationality of children born to an Iranian woman whose husband was a foreign national, asked what the situation of such children was.

6. Ms. TIGERSTEDT-TÄHTELÄ said the report dealt at length with the way in which the rights of children were taken into account at the collective level, for example in decisions made by the Government, local authorities or the courts. However, some rights were applicable at an individual level, particularly the principle of giving primary consideration to the best interests of the child, the right of children to express their views, the right to be protected against

discrimination and the right to life, development and survival. She would like to know whether the Government of the Islamic Republic of Iran had given consideration to the philosophy of individual rights. She would also like to know whether the right to vote at the age of 16 applied to both girls and boys.

7. The CHAIRPERSON, noting that paragraph 26 of the report contained information about respect for the views of the child in administrative and legal contexts, requested additional information about the extent to which the views of the child were taken into account within the family and society. She asked whether the courses provided for families gave guidance to parents on that point. She would also like to know how the High Council of Youth functioned and whether it was represented in rural areas.

8. She was concerned that, according to paragraph 30 of the report, the birth of a child had to be registered within 15 days. Did the delegation not feel that that period was too short? She asked what provisions were in place to help parents register the birth of a child within the prescribed time. She would also appreciate information regarding the status of children whose birth had not been registered and what happened to parents who could not afford to pay the fines imposed as a result of non-registration.

9. Mr. KHORRAM (Islamic Republic of Iran), replying to a question raised at the preceding meeting, said that programmes in the field of children's rights were stepped up whenever the country received extra revenue as a result of an increase in the price of oil. The system of consultations between "School Mayors" and provincial governors had been tested in one province and was to be extended to other provinces.

10. In reply to Ms. Karp's question about whether the Convention formed part of the school curriculum and whether children were aware of its provisions, he said that books and leaflets had been published in Farsi for children in kindergarten and primary school, containing extracts from the Convention and pictures. It was hoped that similar material would be published in the near future for children of secondary school age. The Convention had been translated into Farsi and an edition incorporating a handbook had also been published.

11. Mr. ROSHANDEL (Islamic Republic of Iran) said that most of the principles enshrined in the Convention, such as those relating to peace, equal rights for boys and girls, respect for family life, health, the environment and freedom of expression, were included in the school curriculum indirectly. Pupils, particularly girls, were encouraged to express their opinions. Material dealing with the rights of the child, aimed at both teachers and pupils, had been published in cooperation with UNICEF. One example was a series of booklets for schoolchildren entitled "We have the right", containing the provisions of the Convention. Workshops for teachers had also been held on the subject of how to teach children's rights in schools and how to encourage children's participation in activities relevant to them.

12. Technical education began at primary school and continued in the first years of secondary school; however, it was given greater emphasis during the final three years of secondary school, when pupils could choose from a range of vocational courses.

13. Ms. MOSAFFA (Islamic Republic of Iran) said that the Islamic Human Rights Commission had been set up following a proposal made by the United Nations; its members were representatives of Parliament, universities and non-governmental organizations (NGOs). It played a very important role in promoting a culture of respect for human rights in Iranian society and had achieved considerable progress in improving awareness of human rights issues among the general public. The Islamic Human Rights Commission was made up of four committees, one of which was responsible for issues relating to women and children. There was also a unit within the Commission responsible for investigating complaints, although rulings on complaints were made by the judicial authorities. The Commission had organized training courses and seminars on the rights of the child, including courses for judges, and was working on proposals to establish a master's degree and a doctorate in the field of human rights. The Commission had been active in promoting the various international human rights instruments, including the Convention on the Rights of the Child, within the context of the United Nations Decade for Human Rights Education. It also cooperated with international NGOs working in the field of human rights and had participated in a workshop held in Tehran in 1998 which had placed special emphasis on the need to respect the rights of the child.

14. Mr. KHORRAM (Islamic Republic of Iran), replying to a question on the definition of the child, said that the age of maturity for girls, according to Islamic law, was traditionally deemed to be nine years. For both boys and girls, different minimum ages were applicable in different spheres of life; for example, the minimum age for voting in elections was 16 and the minimum age for military service and for assuming financial responsibilities was 18.

15. Mr. CHERAGHCHI-BASHI (Islamic Republic of Iran) said that research conducted on a scientific basis by the Ministry of Health and Medical Education had concluded that the age of maturity for girls should be raised from 9 years to 13.8 years.

16. Mr. KHORRAM (Islamic Republic of Iran) said that that research had been conducted following discussions involving the judiciary and the clergy. The minimum age for employment was 15. A recent development was that children under the age of 18 who committed a crime were sent not to prison but to special centres for education and training.

17. Mr. CHERAGHCHI-BASHI (Islamic Republic of Iran) said that the primary health-care system was highly developed and that the Islamic Republic of Iran was one of the few countries in which medical education had been integrated into the health system. The health system covered over 85 per cent of rural areas and all urban areas. In rural areas, Health Houses served as the basic health unit, with each serving a population of approximately 1,500 either in a single village or in a cluster of villages. Two behvarz, or community health workers, were assigned to each Health House, and were responsible for 10 aspects of primary health care: health education; treatment of local endemic diseases; maternal and child health; sanitation and environmental health; nutrition; provision of essential drugs; control of communicable diseases; immunization; mental health and school health. The staff at Health Houses were on call 24 hours a day. In urban areas, Health Centres provided the same services. Each Health House or Health Centre maintained medical files on all the families in the population it covered. Health education was an integral part of the health system, and the community was generally very involved in the effort. Women health volunteers, for example, provided health education to the community and facilitated communication between the community and the health system.

18. Mr. KHORRAM (Islamic Republic of Iran) said that the minimum age for marriage had been set by a ruling of the judiciary at 13.8 years for girls and just over 15 for boys. In practice, the minimum age for marriage was approximately 19. Replying to a question about the judiciary's awareness of the rights of the child, he said the Government encouraged contacts between members of the judiciary and NGOs, international organizations and foreign countries. It had arranged for high-ranking judicial officials to attend the sessions of human rights bodies in Geneva and New York. Judges and other judicial personnel had also been sent to countries in Asia and Europe, and to Canada. The members of the judiciary were sensitive to human rights matters and were interested in such exchanges of views. However, change would take time. An encouraging development had been the judiciary's request that the Government should carry out research to establish the age of maturity of girls.

19. Ms. CHOUBAK (Islamic Republic of Iran) said that children born out of wedlock were considered to be Iranian citizens in accordance with article 976 of the Civil Code. A Supreme Court ruling of 1976 had established that the child's father was responsible for applying for an identification card. When the father was unable or unwilling to do so, the Personal Status Registration Act enabled the mother to register the child with the Department of Personal Status Registration. In such cases the child was given the mother's surname. A single mother could apply for assistance from the authorities.

20. If the child had neither a mother nor a father, the authorities designated a legal guardian, and the appropriate Government ministry took responsibility for the child's care. The Act Concerning Protection of Children Without Parents had been adopted in order to govern such cases. It contained criteria for the adoption of orphans by couples without children. Children were placed in adoptive families for an initial probationary period of six months, after which, if the situation was satisfactory, the adoption was made permanent. There was no discrimination against adopted children, who were given equal treatment to that of natural children once the adoption was made official. In cases of divorce or the death of one parent, the law applied the same treatment to adopted children as to children born to the couple.

21. Mr. KHORRAM (Islamic Republic of Iran) said that the situation of persons who followed non-recognized religions and beliefs such as the Baha'i faith had improved since the recent adoption of a new law. Baha'is were currently able to obtain certificates and to register for schooling. It was hoped that any remaining difficulties experienced by other groups would soon be overcome.

22. Replying to questions by Ms. Karp, he said that in the past 20 years death sentences had been handed down for three people who had been under 18 at the time of their crimes; in all three cases the Supreme Court had ruled against execution. Both married and unmarried rapists were subject to prosecution under the same terms. It was not true that a mother who was found guilty of infanticide faced the death penalty and that a father who committed infanticide did not. A follow-up conference to the 1998 conference on child participation had been held, and more were scheduled.

23. Mr. TABATABAIE (Islamic Republic of Iran) said that he would like briefly to describe the activities of his section of the State Welfare Organization, which was responsible for working with children and young people. There were three main areas of activity: a programme for

pre-schoolers, services for vulnerable children and psychological and medical assistance for victims of child abuse and exploitation. Pre-school activities comprised physical and mental testing of children and day-care services for about 600,000 pre-schoolers in 3,600 centres. Children at such centres were informed in very simple language of their rights under the Convention.

24. Services were also provided for children with special needs, aimed at integrating them into their families and society and developing their abilities to the fullest extent possible. Programmes for vulnerable children were aimed in particular at raising awareness of the problems of child abuse, drug abuse and exploitation, at returning street children to their families and at providing expert opinions concerning the best interests of the child to judges hearing divorce cases.

25. The CHAIRPERSON asked whether the working group established to address contradictions between Islamic law and the Convention and Iran's reservation to the Convention had taken the experience of other Islamic States into consideration.

26. Mr. KHORRAM (Islamic Republic of Iran) said that the Government was doing its best to determine whether the country's reservations to the Convention and other human rights instruments were necessary. Iranian representatives held meetings with those of other Muslim countries periodically to discuss such matters. In 1998 a conference of Islamic scholars and the United Nations High Commissioner for Human Rights had been held at the United Nations Office at Geneva to discuss Islamic commentary on the Universal Declaration of Human Rights. The Government did not seek a special interpretation of Islam in order to make it compatible with human rights instruments, but was interested in openly and frankly comparing its own interpretation and practices with those of other Islamic States. It had so far encountered no obstacles in implementing the Convention, and it wished to advance as it had with respect to the Universal Declaration of Human Rights. The Islamic Republic of Iran was a dynamic society attempting best to make progress in the field of human rights in a climate of open debate.

27. Mr. DOEK, referring to children who committed offences, asked on what basis decisions were taken to send children to correctional institutions and what criteria were used to determine how long they stayed. Was there a service in charge of monitoring conditions at such centres? What sort of rehabilitation programmes were undertaken there? Did staff or directors have the authority to punish the children, and if so, was corporal punishment authorized? The legislation in force suggested that corporal punishment was permitted within certain limits, not only at such institutions but in the family as well. Could the delegation describe those limits? The Committee was, of course, very much against the use of corporal punishment.

28. Ms. RILANTONO suggested that the definition of a child in Iran needed to be reconsidered. The report gave a number of different minimum ages for performing various activities: 12 years for agricultural work (para. 4), 16 for military training, 17 for joining the police, 19 for conscription to the army (para. 172). "Young workers" worked half an hour less than "ordinary workers" (para. 191), but it was not clear what age those workers were.

29. She wondered whether Iran had ratified ILO Conventions Nos. 138 (Minimum Age) and 182 (Worst Forms of Child Labour). She would also like to know why malnutrition rates were so high, particularly in view of the reduction in child mortality (para. 120).

30. Mr. FULCI asked whether the NGO Human Rights Watch was correct in stating that Iran was one of only six countries that still executed persons below the age of 18. If so, when was the last time a child had been put to death and for what reason?

31. It appeared from article 976 of the Civil Code that marriage between Iranian women and foreign men would not be recognized if it did not have the Government's consent. That appeared to apply especially in cases of marriage to Afghan refugees: it was reportedly impossible for their children to obtain Iranian nationality or birth certificates.

32. Mr. ZANGENEH (Islamic Republic of Iran), replying to Mr. Doek's question concerning juveniles in correction centres, said that the correction and rehabilitation centres were monitored by the Organization of Prisons, Safeguard Measures and Training. A judge always helped review cases requiring a decision to send a young offender to a correction centre. The law provided children with guarantees and a range of remedies in case of complaint against their guardians or the judicial authorities.

33. Mr. TABATABAIE (Islamic Republic of Iran) said that offenders under 18, particularly first offenders, were seen not as criminals but as people in need of care. The disciplinary approach had given way to one based on re-education, reintegration and the prevention of recidivism.

34. Ms. CHOUBAK (Islamic Republic of Iran) said that children could be sent to a correction centre after a hearing if they were convicted of an offence. They were segregated by age group and sex. They had visiting rights and access to a wide range of cultural activities.

The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.

35. Mr. GHODS (Islamic Republic of Iran) said that labour law in Iran set 15 as the minimum age of admission to employment. The reference to a minimum age of 12 for agricultural work was not correct. Anyone found guilty of employing persons below the age of 15 was liable to punishment, including prison sentences. Specific regulations governed "adolescent labour", i.e. workers aged between 15 and 18: they were forbidden by law to do heavy or hazardous work; they were required to undergo a medical examination before starting work, and they worked shorter hours. Special health guidelines had been drawn up by technical and medical experts.

36. Mr. CHERAGHCHI (Islamic Republic of Iran), replying to a question on malnutrition, said that a recent survey carried out with the help of UNICEF showed that malnutrition among the under-5s varied widely from province to province, ranging between 1.1 per cent and 11.3 per cent; the average rate was 4.9 per cent. Iran recognized the problem and the Third Social and Economic Development Plan included measures to improve child nutrition.

37. Mr. KHORRAM (Islamic Republic of Iran) said that three death sentences had been passed on children in Iran in the last 20 years, but the Supreme Court had not permitted them to be carried out.

38. With regard to article 976 of the Civil Code, children were recognized as Iranian if one of their parents was Iranian. Replying to the question concerning Afghan refugees, he said their children were recognized as Iranian if the refugees were under UNHCR protection and the other parent was Iranian. However, if the marriage was illegal or one of the parents was an illegal refugee and not recognized by UNHCR, the children were not recognized as Iranian. Generally speaking, Iranian women did not require government permission to marry foreigners, but they did require the Government's consent to marry refugees.

39. Ms. KARP asked whether there were juvenile correction centres throughout the country. She wondered whether the underlying basis for sentencing children was the regular penal code or whether different legislation existed for children. What were the criteria for deciding whether to send a juvenile to a correction centre and who set the length of the sentence? Any deprivation of liberty was a form of punishment and must therefore be regulated by law: the offence must be clearly defined and the child must know exactly what the sentence would mean.

40. It seemed that, on reaching the age of majority - 8 years for girls and 14 for boys - children were dealt with under the regular criminal law. If that was so, how could Iran's system comply with the Convention, given that, for example, life sentences and the death penalty could not be applied to children aged under 18? Was amputation applied to children?

41. According to the Committee's information, judges in Iran did not apply legislation dating from before the revolution. That implied that, in areas not covered by post-revolution legislation, they applied their own expertise rather than the law. She wondered how criminal law could be applied under such a system, given that there should be explicit definitions of offences and punishments.

42. She was happy to learn that the country was undertaking research into new criteria for establishing girls' maturity; however, under the Convention maturity was determined not by scientific research but by age. Children must be in position to exercise their rights to the full, on the basis of non-discrimination. She therefore recommended that national legislation should not refer to girls and boys separately. Protection should be provided until the age of 18 regardless of the child's maturity. Although the average age of marriage was 19, girls in Iran sometimes married at a very young age, with all that that entailed. She therefore urged the delegation to give serious thought to the genuine protection of children.

43. Mr. KHORRAM (Islamic Republic of Iran) said that children under 18 attended correctional centres nationwide. While the ages of liability were 9 and 15, punishment was deferred to the age of 18. Neither the death penalty nor a life sentence was imposed on children under 18, a provision which had been in force well prior to Iran's accession to the Convention. He regretted Ms. Karp's disapproval of scientific research for establishing the age of maturity, but his country must pave its own way. Iran possessed a dynamic society; it reached conclusions and implemented them.

44. The CHAIRPERSON said that the Committee members wished to obtain a clear grasp of the situation in Iran and to understand how the country promoted children's rights. Given the time constraints, she invited the delegation to reply in writing to questions left pending. She invited the members to put questions to the delegation on family environment and alternative care; basic health and welfare; education, leisure and cultural activities and special protection measures.

45. Mr. RABAH asked whether the high illiteracy and school drop-out rates in Iran were broken down according to gender. He asked what role NGOs played in the reportedly serious problem of street children in Tehran, one that lent itself ideally to Government-NGO cooperation. Did bilateral agreements exist between Iran and Afghanistan, Iraq and Turkey in the light of alleged abductions of children from border areas?

46. Mr. DOEK asked whether there was a special policy for promoting a family environment for children who lacked one. He wished to know whether they were taken in by relatives and whether anything was done actively to promote and recruit foster families. Were there forms of adoption other than the "kafala" system of Islamic law?

47. Mr. KHORRAM (Islamic Republic of Iran) said the illiteracy figures referred to by Mr. Rabah were incorrect. New international data indicated that Iran had an excellent education system. During the post-revolution era special programmes and measures had been established to reduce illiteracy.

48. Mr. TABATABAIE (Islamic Republic of Iran) said the project for street children had begun in 1978. Social workers made contact with the children and steered them towards appropriate facilities established throughout the country, where medical and psychological care was available. The system in place for children deprived of a family environment involved NGOs and aimed at creating a family atmosphere, keeping the children in small groups. Attempts were being made to enhance the protection of such children by arranging for them to be cared for by childless couples who met the requirements. Of some 6,000 children living in those circumstances, more than 50 per cent had been placed in foster homes subject to government supervision.

49. Mr. KHORRAM (Islamic Republic of Iran), replying to a question by Mr. Rabah, said that the school enrolment figures were 94.5 per cent for girls and 96.8 per cent for boys. The illiteracy rate, which had stood at 30-34 per cent before the revolution, had declined to under 6 per cent. It was true that narcotics were smuggled across the borders with Iraq and Afghanistan; Iran maintained agreements with all its neighbours.

50. The CHAIRPERSON stressed the importance of bilateral agreements, as the Committee had been informed that the abduction of children from Iran was a serious problem. She invited Mr. Doek, as Country Rapporteur, to present preliminary conclusions on behalf of the Committee.

51. Mr. DOEK (Country Rapporteur) thanked the delegation for its willingness to engage in a constructive dialogue with the Committee and noted Iran's achievements in respect of the World Summit for Children, particularly in education and health care. The Committee was

disturbed at the situation of girls in Iran. Despite the Government's endeavours to improve their situation, legislation alone would not suffice; the problem called for radical changes in attitudes and cultural values in order to extirpate prejudices deeply rooted in the society. That, in turn, called for extensive campaigns with the help of civil society and religious leaders, who played an important role in Iranian society.

52. The Committee had found it difficult to grasp the juvenile justice system with any precision. While it was aware that efforts were made to address juvenile crime in a non-criminal way, it was nevertheless concerned at the treatment given to children under 18. He recommended more clarity and, to that end, more legislative practice.

53. As Iran endeavoured to comply with the relevant ILO conventions on child labour, he wondered why it was reluctant to ratify ILO Convention No. 138. Turning to civil rights and freedoms, he said that while many Covenant provisions were covered by Iranian legislation, the Committee would be interested to know how they were implemented on a daily basis. For instance, to what extent were children (especially girls) able to exercise their rights and, how much assistance could they receive from the Ombudsman?

54. The CHAIRPERSON invited the delegation to make concluding remarks.

55. Mr. KHORRAM (Islamic Republic of Iran) thanked the Committee for its constructive questions and helpful observations. His delegation had tried to be as frank and open as Iran itself, which, although its record was not perfect, was doing its utmost to meet the Committee's expectations. He hoped that a compromise could be reached to enable Iran to maintain its reservation to the Convention, about which it felt strongly. While it respected the Covenant, it preferred a different interpretation of certain aspects, such as age limits.

56. His delegation had learned a great deal from the Committee's recommendations and had even been entertaining similar ideas. Those matters would be discussed with different countries and international organizations in an effort to receive guidance. The President of Iran had declared that Iran would observe 2001 as the Year of Dialogue among Civilizations. While Iran was sufficiently courageous to accept the Committee's rationale on some occasions and reject it on others, it was willing to cooperate with the international community as a whole to ensure the protection of children's rights. Children represented half of Iran's population, and must be given the attention they needed as they would shape the country's future. Iran intended to maintain the relationship it had begun with the Committee and would be happy to discuss any problems which arose.

The meeting rose at 6.20 p.m.